



**Resolution
dated 12/21/2023 in case 638/5519/23
Dzerzhyn District Court of Kharkiv**

Case No. 638/5519/23

Proceedings No. 1-kp/638/1372/23

Ukhvalaimenem of Ukraine

On December 22, 2023, the Dzerzhinsky District Court of Kharkiv in the composition of:

the presiding judge with the participation of: the secretary of the court session, the prosecutor, the defender, the translator - PERSON_1 , -PERSON_2 , -PERSON_3 , -PERSON_4 , -PERSON_5 ,

having considered in a court session in the courtroom in Kharkiv the petition of the prosecutor of the Kharkiv Regional Prosecutor's Office PERSON_3 to hold a court hearing in remote video conference mode between the Dzerzhinsky District Court of Kharkiv and the Kharkiv Pre-trial Detention Center in criminal proceedings entered into the Unified Register of Pretrial Investigations under No. 22022220000000618 dated April 12, 2022, regarding the accused

PERSON_6 , INFORMATION_1 , a citizen of the Republic of Chile and the Federal Republic of the United States of America, a native of Los Angeles, California, United States of America, married, officially unemployed, who has two children, actually lives at the address: ADDRESS_1 , not previously convicted,

in the commission of criminal offenses provided for in Part 2 of Art. 436-2, Part 3 of Art. 436-2 of the Criminal Code of Ukraine,-

INSTALLED:

Since June 7, 2023, in the proceedings of the judge of the Dzerzhinsky District Court of Kharkiv PERSON_1, there is an indictment in criminal proceedings entered in the Unified Register of Pretrial Investigations under No. 22022220000000618 dated April 12, 2022 against PERSON_6, who is accused of committing criminal offenses provided for in Part 2 Art. 436-2, Part 3 of Art. 436-2 of the Criminal Code of Ukraine.

On December 22, 2023, the prosecutor of the Kharkiv Regional Prosecutor's Office, PERSON_3, submitted to the court an application to hold a court session scheduled for December 22, 2023, via video conference between the Dzerzhinsky District Court of Kharkiv and the Kharkiv Pre-trial Detention Center in connection with the defendant's illness.

The defender did not object to the granting of the request.

The court, having examined the petition and checked the case materials, came to the following conclusion.

It was established that PERSON_6 is in the "Kharkiv investigative detention center" on the basis of the decision of the Dzerzhinsky District Court of Kharkiv dated November 8, 2023.

In accordance with the requirements of Clause 4, Part 1, Art. 336 of the Criminal Procedure Code of Ukraine, a court proceeding may be conducted in the mode of a video conference during a broadcast from another premises, including one that is located outside the court premises (remote court proceedings), if it is necessary to take such measures to ensure the efficiency of court proceedings.

Part 2 of Article 336 of the Criminal Procedure Code of Ukraine stipulates that the court shall make a decision on conducting remote court proceedings on its own initiative or at the request of a party or other participants in criminal proceedings.

Taking into account the above, in order to ensure the efficiency of court proceedings within a reasonable time and taking into account the state of health of the accused, the court considers it expedient to conduct remote court proceedings in video conference mode.

Guided by Articles 537, 539 of the Criminal Procedure Code of Ukraine, the judge

RESOLVED:

The request of the prosecutor of the Kharkiv Regional Prosecutor's Office, PERSON_3, to hold a court hearing in remote video conference mode between the Dzerzhynskyi District Court of Kharkiv and the Kharkiv Pre-trial Detention Center shall be granted.

Conducting an open court session in criminal proceedings entered in the Unified Register of Pretrial Investigations No. 22022220000000618 dated April 12, 2022, on the charge of PERSON_6, INFORMATION_1, in the commission of criminal offenses provided for in Part 2 of Art. 436-2, Part 3 of Art. 436-2 of the Criminal Code of Ukraine, which is scheduled for December 22, 2023 at 11 a.m. 00 min. to conduct remote video conferences between the Dzerzhinsky District Court of Kharkiv and the Kharkiv Pre-trial Detention Center.

The implementation of the resolution in terms of technical support of the video conference with the mandatory participation of the convicted person shall be entrusted to the responsible person of the Kharkiv Detention Center.

To oblige the authorized official of the Kharkiv Pre-trial Detention Center to establish the identity of the accused.

The decision is not subject to appeal.

Judge PERSON_1

Date of decision 21.12.2023

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